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SENATE BILL 228

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Cynthia Nava

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO YOUTH DEVELOPMENT; CREATING THE NEXT GENERATION TRUST FUND AND DEPOSITING A PORTION OF TOBACCO SETTLEMENT REVENUES INTO THE FUND; CREATING THE YOUTH DEVELOPMENT FUND; CREATING THE NEXT GENERATION COUNCIL; CREATING A YOUTH DEVELOPMENT GRANT ASSISTANCE PROGRAM; PROVIDING POWERS AND DUTIES; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 6-4-9 NMSA 1978 (being Laws 1999, Chapter 207, Section 1, as amended) is amended to read:

"6-4-9. TOBACCO SETTLEMENT PERMANENT FUND-- INVESTMENT-- DISTRIBUTION. --

A. The "tobacco settlement permanent fund" is created in the state treasury. The fund shall consist of ninety percent of the money distributed to the state pursuant

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1 to the master settlement agreement entered into between tobacco
2 product manufacturers and various states, including New Mexico,
3 and executed November 23, 1998 or any money released to the
4 state from a qualified escrow fund or otherwise paid to the
5 state as authorized by the model ~~[statute]~~ statutes, Sections
6 6-4-12 and 6-4-13 NMSA 1978, enacted pursuant to the master
7 settlement agreement. Money in the fund shall be invested by
8 the state investment officer as land grant permanent funds are
9 invested pursuant to Chapter 6, Article 8 NMSA 1978. Income
10 from investment of the fund shall be credited to the fund.
11 Money in the fund shall not be expended for any purpose, but an
12 annual distribution shall be made to the tobacco settlement
13 program fund in accordance with Subsection B of this section.

14 B. On July 1 of fiscal year 2001 and on July 1 of
15 each fiscal year thereafter, an annual distribution shall be
16 made from the tobacco settlement permanent fund to the tobacco
17 settlement program fund of an amount equal to fifty percent of
18 the total amount of money distributed to the tobacco settlement
19 permanent fund in the immediately preceding fiscal year until
20 that amount is less than an amount equal to four and seven-
21 tenths percent of the average of the year-end market values of
22 the tobacco settlement permanent fund for the immediately
23 preceding five calendar years. Thereafter, the amount of the
24 annual distribution shall be four and seven-tenths percent of
25 the average of the year-end market values of the tobacco

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1 settlement permanent fund for the immediately preceding five
2 calendar years. "

3 Section 2. [NEW MATERIAL] TOBACCO SETTLEMENT REVENUES--
4 DISTRIBUTION.--The state treasurer shall distribute to the next
5 generation trust fund ten percent of every amount distributed
6 to the state pursuant to the master settlement agreement
7 entered into between tobacco product manufacturers and the
8 various states, including New Mexico, and executed November 23,
9 1998 or transferred to the state from a qualified escrow fund
10 authorized by a qualifying state statute enacted pursuant to
11 the master settlement agreement.

12 Section 3. [NEW MATERIAL] NEXT GENERATION TRUST FUND
13 CREATED--REVENUES--INCOME DISTRIBUTION.--The "next generation
14 trust fund" is created in the state treasury. The fund shall
15 consist of money transferred to the fund from distributions to
16 the state pursuant to the master settlement agreement entered
17 into between tobacco product manufacturers and the various
18 states, including New Mexico, and executed November 23, 1998 or
19 transferred to the state from a qualified escrow fund
20 authorized by a qualifying state statute enacted pursuant to
21 the master settlement agreement. Money in the fund shall be
22 invested by the state investment officer as land grant
23 permanent funds are invested pursuant to Chapter 6, Article 8
24 NMSA 1978. Money in the fund shall not be expended for any
25 purpose. Income earned from investment of the next generation

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1 trust fund shall be distributed annually to the youth
2 development fund.

3 Section 4. [NEW MATERIAL] NEXT GENERATION COUNCIL
4 CREATED- - GRANT PROGRAM - -

5 A. The "next generation council" is created. The
6 council shall consist of fifteen members with experience in
7 youth development who are appointed so as to provide geographic
8 diversity. Ten adult members shall be appointed to four-year
9 terms and five student members shall be appointed to two-year
10 terms by the following appointing authorities as follows:

11 (1) one adult and one student enrolled at a
12 post-secondary educational institution shall be appointed by
13 the governor;

14 (2) one adult and one high school student
15 shall be appointed by the speaker of the house of
16 representatives and president pro tempore of the senate;

17 (3) one adult and one student enrolled at a
18 post-secondary educational institution shall be appointed by
19 the commission on higher education;

20 (4) one adult and one high school student
21 shall be appointed by the secretary of health;

22 (5) one adult and one high school student
23 shall be appointed by the state board of education; and

24 (6) five adults shall be appointed by the
25 state board of education upon the recommendation of the New

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1 Mexico community foundation.

2 B. The state department of public education, with
3 the assistance of the next generation council, shall establish
4 a program to provide grant assistance through a competitive
5 proposal process to communities, public schools, not-for-profit
6 organizations and post-secondary educational institutions for
7 youth development programs and activities. Priority shall be
8 given to proposals that involve youth in positive physical and
9 mental health activities, promote community service, leadership
10 and citizenship or provide training and assistance to youth
11 workers in the area of youth development.

12 C. The next generation council shall advise the
13 state department of public education on youth policies and
14 review and approve proposals for grant assistance.

15 Section 5. [NEW MATERIAL] YOUTH DEVELOPMENT FUND--
16 CREATED. --

17 A. The "youth development fund" is created in the
18 state treasury and shall be administered by the state
19 department of public education. The fund shall consist of
20 income from the next generation trust fund and any money from
21 any other public or private source distributed to or deposited
22 in the fund. Money in the youth development fund is
23 appropriated to the state department of public education for
24 the purpose of funding youth development programs and
25 activities for youth from ages five through twenty throughout

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1 New Mexico. Balances in the fund at the end of a fiscal year
2 shall not revert to the general fund.

3 B. Not more than three percent of the money
4 distributed to the fund in any fiscal year shall be used by the
5 state department of public education for administrative
6 purposes.

7 Section 6. EFFECTIVE DATE. --The effective date of the
8 provisions of this act is July 1, 2003.

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